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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,763	04/10/2001	Osamu Shibata	29288.0400	9593

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EXAMINER

AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,763	SHIBATA ET AL.	
	Examiner	Art Unit	
	Tracey Akpati	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-4 are pending.

Response to Arguments

Applicant's arguments filed 1/6/2005 have been fully considered but they are not persuasive.

2. *The attorney argues that Angelo does not disclose when an encrypted content-key using the internal key so as to obtain a content key.* Angelo on Fig. 3, ref. no. 60 shows disk and media keys are encrypted using the drive/video key. Furthermore on column 3, lines 50-57, a private device key is used to encrypt the disk key and media key.
3. *The attorney argues that Angelo fails to teach a first decrypting section which when an encrypted content-key is input to the operation section; decrypts the encrypted content key using the internal key so as to obtain a content key.* The decrypting section is disclosed by Fig. 3, ref. no. 66.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo et al (5923754).

With respect to Claim 1, the limitation of “an internal-key storage section for storing an internal-key” is met by Fig. 2, reference nos. 38; and “a content-key storage section for storing a content-key” by Fig. 2, reference nos. 32; and “a determination section for determining whether or not a value of the content-key storage section in its initial state and a current value of the content-key storage section are different” on column 4, lines 3-16; and “an operation section, the operation section including a first decrypting section which, when an encrypted content-key is input to the operation section, decrypts the encrypted content-key using the internal-key so as to obtain a content-key and stores the content-key in the content-key storage section” on column 4, lines 59-61 and on Fig. 2, reference nos. 32 and Fig. 3, reference nos. 66; and “a second decrypting section which, when an encrypted content is input to the operation section and the determination section determines that the value of the content-key storage section in its initial state and the current value of the content-key storage section are different, decrypts the encrypted content using the current value of the content-key storage section as a content-key so as to obtain a first output data and outputs the first output data to outside of the decryption device” is met by Fig. 3, reference nos. 72 and column 4, lines 61-67 and on column 5, lines 1-3. The drive key, Dk represents the content key.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have a determination section for determining whether or not the initial value and current value of the content-key storage section of the decryption device are different because the phase lock loop circuit of column 4, lines 5-16 ensures that these two values are unique. A random value drive key Dk is generated every time the DVD system is powered on. Hence the phase lock loop circuit performs the job of the determining section.

With respect to Claim 2, the limitation of “a content-key generation section which generates a content-key for encrypting a content based on random numbers” is met on column 4, lines 7-16; and “stores the generated content-key in the content-key storage section” is met on column 4, lines 18-19; and “wherein the operation section further includes a first encrypting section which encrypts the content-key for encrypting a content so as to obtain an encrypted content-key and outputs the encrypted content-key to outside of the decryption device” on column 4, lines 31-34. The product VxDk forms the encrypted content key. Further limitation of “a second encrypting section which, when a content is input to the operation section and the determination section determines that the value of the content-key storage section in its initial-state and the current value of the content-key storage section are different, encrypts the content using the current value of the content-key storage section as a content-key so as to obtain a second output data and outputs the second output data to outside of the decryption device” is met on column 3, lines 51-59. The encrypted data is encrypted using the content key, which is made up of the disk key.

With respect to Claim 3, the limitation of “a mutual authentication section for determining whether or not a mutual authentication has been made between the mutual authentication section and a storage device which is located outside the decryption device and stores the encrypted content-key” is met on column 4, lines 42-52. The DVD drive querying the disk for key information and the disk providing this unique information serves as a mutual authentication between the DVD drive and the disk. Further limitation of “wherein the second

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decrypting section decrypts the encrypted content when the mutual authentication section determines that the mutual authentication has been made” is met on column 4, lines 57-67.

With respect to Claim 4, the limitation of “the internal-key storage section stores a plurality of internal-keys” is met by Fig. 2; and “the internal-key storage section selects one of the plurality of internal-keys as the internal-key based on internal-key selection information input from outside the decryption device to the decryption device” is met by Fig. 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 571-272-3846. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2135